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PROSECUTION APPLICATION
REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))*

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| | | |
|--|-------------------------------|-------------------------|
| <i>Address to:</i> TRADEMARK Assistant Commissioner for Patents Box CPA Washington, DC 20231 | <i>Attorney Docket No.</i> | 146.1286 |
| | <i>First Named Inventor</i> | T. SHIMURA et al |
| | <i>Express Mail Label No.</i> | EV 068844138 US |
| | <i>Total Pages</i> | 1 |

This is a request for a continuation or divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 068,253
filed on 6/9/98, entitled CARTILAGE/BONE INDUCING MATERIAL FOR REPARATION

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. *DELETE* the following inventor(s) named in the prior nonprovisional application:
.....
.....
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

[Page 1 of 2]

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------|--|------------------|------------------|--|------------------|
| | TOTAL CLAIMS (37 CFR 1.16(c)) | 9 -20 = | | x \$ 0 = | \$ 0 |
| | INDEPENDENT CLAIMS (37 CFR 1.16(b)) | 1 -3 = | | x \$ 0 = | 0 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) | | | + \$ 0 = | 0 |
| | | | | BASIC FEE (37 CFR 1.16(e)) | \$ 740.00 |
| | | | | Total of above Calculations = | |
| | | | | Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). | |
| | | | | TOTAL = | \$ 740.00 |

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6. Small entity status:

- A small entity statement is enclosed.
- A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees
Deposit Account No. 02 - 2275

- Fees required under 37 CFR 1.16.
- Fees required under 37 CFR 1.17.
- Fees required under 37 CFR 1.18.

8. A check in the amount of \$ _____ is enclosed.

9. Other: PTO Form 2038 authorizing fee is enclosed herewith.....

NOTE: The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Labelor New correspondence address below

(Insert Customer No. or Attach bar code label here)

| | | | | |
|---------|------------------------------|-----------|--------------|------------------|
| NAME | Bierman, Muserlian and Lucas | | | |
| ADDRESS | 600 Third Avenue | | | |
| CITY | New York | STATE | NY | ZIP CODE |
| COUNTRY | U.S.A. | TELEPHONE | 212-661-8000 | FAX 212-661-8002 |

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | |
|-----------|---------------------------|
| NAME | Donald C. Lucas RN 31,275 |
| SIGNATURE | Donald C. Lucas |
| DATE | May 16, 2002 |

146.1286



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Date of Deposit: May 21, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to Asst. Commissioner for Patents, Washington, D.C. 20231.

Donald C. Lucas
Donald C. Lucas